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REMARKS/ARGUMENTS

Applicant has reviewed the detailed Non-Final Office Action mailed February 9, 2007 (Paper No. 20061127). In the outstanding Office Action, claims 1-31 were rejected. In this paper, claim 30 has been amended. No claims have been added or cancelled. Thus, upon entry of this response, claims 1-31 will be pending in this application.

Applicant requests reconsideration of the pending claims in view of the amendment and the following remarks. Further, Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

Claim Rejections Under 35 U.S.C. §102

In the outstanding Office Action, Claims 1-31 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent Application No. 2005/0003797 to Baldwin (hereinafter referred to as "Baldwin"). While the outstanding Office Action states the anticipation rejection is made under 35 U.S.C. §103(a), the rejection is placed under a heading for claim rejection under 35 U.S.C. §102. Consequently, Applicant will assume for purposes of this response that the rejection was intended to be based on 35 U.S.C. §102(e).

For at least the following reasons, Applicant respectfully traverses the rejection.

Regarding claims 1-31, independent claim 1, recites:

A method for transmitting surveillance image data over a wireless network comprising:
associating an authorized identification with a surveillance device; and
transmitting said surveillance image data and said authorized identification to a mobile telecommunications switching station.
(Emphasis Added).

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Initially, Applicant would like to respectfully note that [i]t is incumbent upon the Examiner to identify where in the reference each element may be found. Ex parte Levy, 17 U.S.P.Q.2d 1461 (BPAI 1990). Consequently, when the Examiner fails to identify a claimed element, the Examiner has failed to establish a prima facie case of anticipation. In the outstanding Office Action, the support for the rejection is provided by referencing 5 different pages of Baldwin and providing a statement of fact, supposedly supported by the cited page numbers, that Baldwin teaches every element of claims 1-31. Furthermore, the elements of independent claims 9, 17, and 25 are not mentioned or addressed in the outstanding Office Action. Consequently, it is Applicant's position that the outstanding Office Action fails to establish a prima facie case of anticipation.

Furthermore, contrary to the assertion in the outstanding Office Action, Baldwin does not teach or suggest the transmission of surveillance data from a surveillance device over a mobile telecommunications switching station, as claimed in independent claim 1. Rather, the portions cited by the Office Action as teaching these elements in Baldwin actually contemplate receiving a cellular 911 call, identifying the location of the cellular 911 caller using tower and GPS technology, and initiating a three way conference call between the 911 caller, an emergency dispatch unit, and at least one emergency personnel. (*See Baldwin, Abstract; pages 3-5 [0042-0058]*).

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). *See M.P.E.P. § 2131*. Baldwin fails to teach or suggest the transmission of surveillance data from a surveillance device over a mobile telecommunications switching station, as claimed in independent claim 1. Consequently, the

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rejection of independent claim 1, and all claims that depend there from, under 35 U.S.C. § 102 based on Baldwin should be reconsidered and withdrawn.

Similarly, independent claim 9 recites:

A method for assuring transmission of surveillance image data to a wireless device comprising:
assigning a unique identification to an image generating surveillance device;
and
obtaining recognition from a plurality of service providers of said unique identification as an approved image source.
(Emphasis Added).

Similar to independent claim 1 above, independent claim 9 also recited an image generating surveillance device and obtaining recognition and approval from a plurality of service providers for the surveillance device to be an approved image source. As mentioned previously, Baldwin does not teach or suggest the transmission of surveillance data from a surveillance device over a mobile telecommunications switching station, as claimed in independent claim 9. Rather, the portions cited by the Office Action as teaching these elements in Baldwin actually contemplate receiving a cellular 911 call, identifying the location of the cellular 911 caller using tower and GPS technology, and initiating a three way conference call between the 911 caller, an emergency dispatch unit, and at least one emergency personnel. (See Baldwin, Abstract; pages 3-5 [0042-0058]).

Again, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Baldwin fails to teach or suggest every element claimed in independent claim 9. Consequently, the rejection of independent claim 9, and all claims that depend there from, under 35 U.S.C. § 102 based on Baldwin should be reconsidered and withdrawn.

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Similar to the claims discussed above, independent claims 17 and 25 recite the following, respectively:

A method for remotely monitoring a residence comprising:
generating a trigger initialized digital image in a surveillance device;
transmitting a trigger alert signal directly to a wireless communication device over a private network ; and
enabling an image transmission between said surveillance device and said cell phone regardless of a service provider of said wireless communication device.
(Emphasis Added).

And

A system for remotely monitoring a desired area comprising:
an image generating camera;
a processing device communicatively coupled to said camera;
a modem communicatively coupled to said processing device, said modem being configured to transmit images to a wireless communication device over a private network; and
a data storage device communicatively coupled to said processing device;
wherein said data storage device includes a unique identifier, said unique identifier being accepted by a plurality of wireless service providers as indicating an approved image source.
(Emphasis Added).

As illustrated, both independent claims 17 and 25 both claim an image generating surveillance device similar to that claimed in independent claim 9. Consequently, the arguments made above with respect to independent claim 9 are equally applicable to independent claims 17 and 25. Consequently, the rejection of independent claims 17 and 25, and all claims that depend there from, under 35 U.S.C. § 102 based on Baldwin should be reconsidered and withdrawn.

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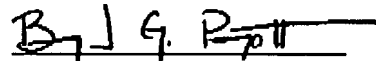
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 40297-0001 from which the undersigned is authorized to draw.

Respectfully submitted,

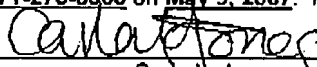
DATE: May 9, 2007


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on May 9, 2007. Number of Pages: 15


Carla U. Jones